

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

In re:	:	Case No. 15-34066
Timothy Scott Kildow	:	Chapter 13 (Judge John P. Gustafson)
	:	
Debtor	:	

**MOTION TO TRANSFER VENUE OF CHAPTER 13 BANKRUPTCY CASE FROM NORTHERN  
DISTRICT OF OHIO TO SOUTHERN DISTRICT OF OHIO**

Comes now Debtor, by counsel, who hereby moves the Court for an Order transferring his above captioned case from the Northern District of Ohio, Western Division, to the Southern District of Ohio, Eastern Division. This Motion is made pursuant to 28 U.S.C. § 1408, 28 U.S.C. § 1412, Federal Rule of Bankruptcy Procedure §1014(a)(2) and LBR § 9013.

**MEMORANDUM IN SUPPORT OF THE MOTION**

The Debtor filed for Chapter 13 Bankruptcy relief on December 23, 2015. At the time that this case was filed Debtor was under intense time pressures to quickly obtain bankruptcy protection, and Debtor misunderstood his legal counsel's inquiry regarding the address of his current residence and mistakenly provided his most commonly used mailing address in Marion, Ohio rather than his physical residential address in Columbus, Ohio. As a result, Debtor's counsel was led to believe that the proper venue for Debtor's bankruptcy case pursuant to 28 U.S.C. § 1408 was in the Northern District of Ohio and filed the above captioned case accordingly. However, upon further consultation with Debtor in preparing the schedules and plan for Debtor's case Debtor's bankruptcy counsel discovered that Debtor actually resides with his wife at 9203 Walker Point Drive in Columbus, Ohio and promptly amended Debtor's bankruptcy petition to correct this fact (Doc. No. 7). Based on this amendment and the fact that Debtor has actually resided in the Southern District of Ohio for an excess of 180 days prior to his bankruptcy filing, Debtor hereby requests that this honorable court enter an order transferring the

Debtor's current Chapter 13 Bankruptcy to the United States Bankruptcy Court for the Southern District of Ohio, Eastern Division.

Pursuant to 28 U.S.C. § 1408, the proper venue for the filing of Debtor's bankruptcy is the district court for the district in which Debtor has been domiciled/resided for the 180 days before he filed for bankruptcy relief. Accordingly, Debtor respectfully submits that the fact he has actually resided in Columbus, Ohio for approximately ten years makes the Southern District of Ohio the proper venue for his bankruptcy filing. Federal Rule of Bankruptcy Procedure §1014(a)(2) provides that upon the "timely motion of a party in interest or on its own motion..." a court may transfer a case filed in an "improper district" to "any other district if the court determines that transfer is in the interest of justice or for the convenience of the parties." (See also 28 U.S.C. § 1412).

Debtor respectfully submits that transferring his instant bankruptcy case to the proper venue in the Southern District of Ohio is warranted at this early stage of his case as such a transfer would be in the interest of justice as well as allow this case to proceed in the venue that would be most convenient for the parties. Transferring Debtor's case to the Southern District of Ohio at this time would allow Debtor to continue his attempt to reorganize his financial affairs while under bankruptcy protection and avoid further complications that would likely arise in the future if a creditor or other party in interest were to object to his case continuing in the Northern District of Ohio due to the fact that venue for this case is most proper in the Southern District of Ohio where he lives. Furthermore, transferring this case to the Southern District of Ohio would be most convenient for the parties as Debtor's legal counsel, Debtor, Debtor's personal financial records, a majority of Debtor's assets, and counsel for Debtor's largest creditor, Union Bank, are all located in Columbus Ohio.

**WHEREFORE**, the Debtor respectfully moves that the Court **GRANT** the Debtor's Motion to Transfer Venue of Chapter 13 Bankruptcy Case from Northern District of Ohio to Southern District of Ohio.

Respectfully submitted,

/s/ Marshall D. Cohen  
Marshall D. Cohen, Case Attorney (0044066)  
1500 West Third Avenue, Suite 400  
Columbus, Ohio 43212  
(614) 294-5040, Fax (614) 291-5006  
notice@financialdignity.com

**14 DAY NOTICE AND CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following registered ECF participants, electronically through the Court's transmission facilities at their e-mail addresses registered with the Court, or by U.S. Mail, postage prepaid to the parties listed below on December 30, 2015, as well as Notice that the undersigned will present to the Court a proposed order granting the request sought unless, within fourteen (14) days after this date, a written memorandum in opposition along with a request for a hearing are filed with the Court and served on the undersigned.

**Electronic Service:**

Office of the U.S. Trustee  
Elizabeth A. Vaughan, Chapter 13 Trustee  
Marshall D. Cohen, Esq.  
Attorney Christy A. Prince

**U.S. Mail Service:**

Timothy Scott Kildow | 9203 Walker Park Drive | Columbus, OH 43240  
Timothy Scott Kildow | 320 Center Street | Marion, OH 43302  
The Union Bank Company | 100 S. High Street | PO Box 67 | Columbus Grove, OH 45830-0067  
1st Finl Invstmnt Fund | 3091 Governors Lake Dr | Peachtree Corners, GA 30071-1135  
Attorney Christy A. Prince | 65 East Mian Street | Suite 1800 | Columbus, OH 43215  
Attorney General of the State of Ohio | Collection Enforcement | 150 East Gay Street, 21st Floor | Columbus, OH 43215-3191  
Attorney James H Cannon | 110 Polaris Parkway | Suite 302 | Westerville, OH 43082-7054  
Attorney Michael S. Probst | 85 E Gay Street | Suite 608 | Columbus, OH 43215-3336  
Attorney Michael Schaffer | 88 West Mound Street | Columbus, OH 43215-5018  
Attorney Raymond F. Moats III | 3705 Marlane Drive | Grove City, OH 43123-8895  
Barclays Bank Delaware | Po Box 8801 | Wilmington, DE 19899-8801  
Bureau of Workers Compensation | 30 W. Spring Street | Columbus, OH 43215-2256  
Capital One | Attn: Bankruptcy | Po Box 30285 | Salt Lake City, UT 84130-0285  
Capital One | Attn: Bankruptcy | Pob 30253 | Salt Lake City, UT 84130-0253

Chase - Pier 1 |Po Box 15298|Wilmington, DE 19850-5298  
Citibank/Best Buy |Centralized Bankruptcy/CitiCorp Credit S|Po Box 790040|St Louis, MO 63179-0040  
Columbiana County Treasurer |105 South Market Street|Suite 8|Lisbon, OH 44432-1234  
Delaware County Treasurer |140 N. Sandusky Street|Delaware, OH 43015-1799  
Fahey Bank |150 E Wilson Bridge Road|Columbus, OH 43085-2328  
Fahey Banking Company |127 North Main Street|Marion, OH 43302-3072  
Fifth Third Bank |Fifth Third Bank Bankruptcy Department,|1830 E Paris Ave Se|Grand Rapids, MI 49546-6253  
FORD MOTOR CREDIT COMPANY|P O BOX 62180|COLORADO SPRINGS CO 80962-2180|preferred  
Hardin County Treasurer |1 Courthouse Square|Suite 230|Kenton, OH 43326-2388  
Internal Revenue Service |PO Box 7346|Philadelphia, PA 19101-7346  
Kevin Hensel |c/o Kevin Hall|355 East Center Street, Suite 101|Marion, OH 43302-4146  
Kohls/Capital One |Po Box 9500|Wilks-Barr, PA 18773-9500  
Marion County Treasurer |222 West Center Street|Marion, OH 43302-3646  
Midland Funding |2365 Northside Dr|Suite 300|San Diego, CA 92108-2709  
Nemo's Coll |14631 N Cave Creek|Phoenix, AZ 85022-4159  
Ohio Department of Taxation |Bankruptcy Division|PO Box 530|Columbus, OH 43216-0530  
Ohio State Attorney General |30 East Broad Street|17th Floor|Columbus, OH 43215-3414  
Peoples Bank National Association |138 Putnam Street|Marietta, OH 45750-2923  
Rogers & Hol |Po Box 879|Matteson, IL 60443-0879  
Square One Financial/Cach Llc |4340 S Monaco St|2nd Floor|Denver, CO 80237-3485  
CITIBANK|PO BOX 6043|SIOUX FALLS SD 57117-6043  
Synchrony Bank/ JC Penneys |Attn: Bankruptcy|Po Box 103104|Roswell, GA 30076-9104  
Synchrony Bank/Cost Plus World M |Attn: Bankruptcy|Po Box 103104|Roswell, GA 30076-9104  
Synchrony Bank/Mens Wearhouse |Attn: Bankruptcy|Po Box 103104|Roswell, GA 30076-9104  
Synchrony Bank/Sams |Attn: Bankruptcy|Po Box 103104|Roswell, GA 30076-9104  
Tax Ease Ohio LLC |c/o CT Corporation statutory agent|1300 East 9th Street|Cleveland, OH 44114-1501  
The Ohio State Bank |30 Coal Bend|Delaware, OH 43015-6530  
TOYOTA MOTOR CREDIT CORPORATION|PO BOX 8026|CEDAR RAPIDS IA 52408-8026  
US Attorney General |Main Justice Bldg #5111|10th & Constitution Ave N.W.|Washington, DC 20530-0001  
US District Attorney |303 Marconi Blvd., 2nd Floor|Columbus, OH 43215-2326  
Union Bank |100 South High Street|Columbus Grove, OH 45830-1241  
Office of the United States Trustee | Howard M. Metzenbaum U.S. Courthouse | 201 Superior Avenue East, Suite 441 | Cleveland, Ohio 44114

/s/ Marshall D. Cohen

Marshall D. Cohen, Case Attorney (0044066)

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

In re: : Case No. 15-34066  
Timothy Scott Kildow : Chapter 13 (Judge John P. Gustafson)  
:   
Debtor :

**NOTICE OF MOTION TO TRANSFER VENUE OF CHAPTER 13 BANKRUPTCY CASE FROM  
NORTHERN DISTRICT OF OHIO TO SOUTHERN DISTRICT OF OHIO**

The Debtor has filed papers with the Court: Motion to Transfer Venue of Chapter 13 Bankruptcy Case from Northern District of Ohio to Southern District of Ohio ("Pleading").

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney you may wish to consult one.)**

If you do not want the court to change your status or if you want the court to consider your views on the Pleading, on or before fourteen (14) days from the service date of the Pleading you or your attorney must:

File with the court a response to the Pleading and serve a copy as directed by the notice not later than fourteen (14) days after service of the Pleading at:

**United States Bankruptcy Court, Clerk's Office, 1716 Spielbusch Ave, Room 411, Toledo, OH 43604**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it before the date stated above.

You must also mail a copy to:

Timothy S. Kildow, 320 W. Center Street, Marion, OH 43302

Timothy S. Kildow, 9203 Walker Park Drive, Columbus, OH 43240

Marshall D. Cohen, Esq., 1500 West Third Avenue, Suite 400, Columbus, OH 43212

Elizabeth A. Vaughan, Office of the Chapter 13 Trustee, 316 N. Michigan Street #501, Toledo, OH 43604

Office of the United States Trustee, Howard M. Metzenbaum U.S. Courthouse, 201 Superior Avenue East, Suite 441, Cleveland, Ohio 44114

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Pleading and may enter an order granting relief.

Date: December 30, 2015

/s/ Marshall D. Cohen

Marshall D. Cohen, Case Attorney (0044066)

1500 West Third Avenue, Suite 400

Columbus, Ohio 43212

(614) 294-5040, Fax (614) 291-5006,

notice@financialdignity.com